

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

DERRICK LEE SMITH #267009,

Case No. 1:25-cv-00718

Plaintiff,

Hon. Hala Y. Jarbou
Chief U.S. District Judge

v.

SEAN COMBS, et al.,

Defendants.

ORDER OF TRANSFER

This is an action brought by state prisoner Derrick Lee Smith. Plaintiff is incarcerated at the Ionia Correctional Facility, although the events giving rise to Plaintiff's action occurred in Wayne County, Michigan. Plaintiff sues Sean Combs, a/k/a "Diddy", "Puff Daddy" and "P. Diddy", as well as Wayne County Prosecutor Kym Worthy, Wayne County Prosecutor's Office, former Wayne County Judge Harvey Tennen and his Estate, former Wayne County Prosecutor John D. O'Hair and his Estate, and Wayne County Detective Patricia Penman. In his *pro se* complaint, Plaintiff alleges that Defendants violated Mich. Comp. Laws § 600.2907 (malicious prosecution) and § 600.5807 (damages for breach of contract and statute of limitations). (ECF No. 1.)

Under the revised venue statute, venue in federal-question cases lies in the district in which any defendant resides or in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1331(b). The events underlying the complaint allegedly occurred in Wayne County. All Defendants –

except for Defendant Sean Combs allegedly residing in New York state – “reside” in Wayne County. Therefore, Wayne County is the appropriate venue over a suit challenging official acts. *See Butterworth v. Hill*, 114 U.S. 128, 132 (1885); *O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972). However, Wayne County is within the geographical boundaries of the Eastern District of Michigan. 28 U.S.C. § 102(a). In these circumstances, venue is proper only in the Eastern District.

Therefore:

IT IS ORDERED that this case be transferred to the United States District Court for the Eastern District of Michigan pursuant to 28 U.S.C. § 1406(a). **It is noted that this Court has not decided Plaintiff's motion to proceed *in forma pauperis*, nor has the Court reviewed Plaintiff's complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or under 42 U.S.C. § 1997e(c).**

IT IS SO ORDERED

Dated: July 11, 2025

/s/ *Maarten Vermaat*
MAARTEN VERMAAT
U.S. MAGISTRATE JUDGE